

BOARD OF APPEALS CASE NO. 5343

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BEFORE THE

APPLICANT: David & Kristine King

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ZONING HEARING EXAMINER

**REQUEST: Variance to allow a sunroom
within the required 40 foot rear yard setback;
1302 Southwell Lane, Bel Air**

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OF HARFORD COUNTY

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HEARING DATE: May 12, 2003

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Hearing Advertised

Aegis: 4/11/03 & 4/16/03

Record: 4/11/03 & 4/18/03

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ZONING HEARING EXAMINER'S DECISION

The Applicants, David and Kristine King, Jr., are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an attached sunroom within the required 40-foot rear yard setback (32.86 feet proposed) in an R2/Urban Residential District.

The subject parcel is located at 1302 Southwell Lane, Bel Air, MD 21014 and is more particularly identified on Tax Map 48, Grid 1E, Parcel 436, Lot 129. The subject parcel consists of 0.33± acres, is zoned R2/Urban Residential District and is entirely within the Third Election District.

Mr. David King, the Applicant herein, appeared and testified that he wants to construct an 11-foot by 15-foot single story sunroom addition to his home. The siding, roofing and colors will match the existing home. Mr. King explained that his lot is located on a corner and subject to two front yard setbacks. It is this unique configuration that requires a variance for location of even a modest sized structure like that proposed. Mr. King indicated that there were numerous similar sunrooms in his neighborhood but most other properties in the neighborhood are not subject to two front yards. Consequently other properties, even those immediately adjacent to his, could build this structure without the necessity of a variance. Mr. King did not think his sunroom was unlike the many others already existing in the neighborhood, so he did not think his would have any adverse impacts to his neighbors' properties. He pointed out that he had spoken with his neighbors about the proposed sunroom and they expressed no opposition.

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Mr. Anthony McClure appeared on behalf of the Department of Planning and Zoning. In recommending approval of the subject request, Mr. McClune opined that the property was unique and that the variance requested was minor in nature. Mr. McClune, speaking for the Department, stated that approval of the request would not result in adverse impacts to neighboring properties nor would the purposes of the Code be impaired in any way. McClune concluded that an approval of this request would be consistent with good planning and zoning principals and practices.

No persons appeared in opposition to this request.

CONCLUSION

The Applicants, David & Kristine King, are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code, to allow an attached sunroom within the required 40-foot rear yard setback (32.86 feet proposed) in an R2/Urban Residential District.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner, for the reasons stated by the Applicant and the Department of Planning and Zoning, find the parcel unique and further, that the proposed use will not result in adverse impacts to adjacent or neighboring properties and will not impair the purposes of the Code.

For the foregoing reasons, the Hearing Examiner recommends approval of the subject request, conditioned upon the Applicants obtaining any and all necessary permits and inspections.

Date JUNE 11, 2003

William F. Casey
Zoning Hearing Examiner